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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.

Defendant.

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Adv. Proc. No. 21-03082-sgj

Case No. 3:21-cv-00881-X

**HIGHLAND CAPITAL MANAGEMENT, L.P.’S
RESPONSE TO HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.’S
OBJECTION TO THE BANKRUPTCY COURT’S REPORT AND
RECOMMENDATION TO THE DISTRICT COURT PROPOSING THAT IT GRANT
SUMMARY JUDGMENT IN FAVOR OF THE PLAINTIFF**

Highland Capital Management, L.P., the reorganized debtor and the plaintiff in the above-captioned adversary proceeding (“Highland” or “Plaintiff”), hereby files this response (the “Response”) to *Highland Capital Management Fund Advisors, L.P.’s Objection to the Bankruptcy Court’s Report and Recommendation to the District Court Proposing that It Grant Summary Judgment in Favor of the Plaintiff* [Docket No. 78]¹ (the “Objection”). Highland fully incorporates by reference its contemporaneously filed brief (the “Brief”) in opposition to the Objection and would show unto the Court as follows:

RELIEF REQUESTED²

1. By this Response, Highland respectfully requests that the Court enter an order overruling the Objection and adopting the Bankruptcy Court’s R&R.

2. Pursuant to Rules 7.1(d) and (h) of the Local Civil Rules of the United States District Court for the Northern District of Texas, Dallas Division (the “Local Rules”), the Brief is being filed contemporaneously with this Response and is incorporated by reference.

PRAYER

WHEREFORE, Highland respectfully requests that the Court (i) overrule the Objection, (ii) adopt the Bankruptcy Court’s R&R, and (iii) grant such other and further relief as the Court deems just and proper.

¹ References to “Docket No. ___” are to the docket entries maintained in Case No. 3:21-cv-00881-X pending in the United States District Court for the Northern District of Texas (the “Court”).

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Brief.

Dated: November 23, 2022

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